

REMARKS

By entry of this amendment, claims 1-25, 28-34 are pending. Claims 1, 4, 9, 12, 14, 15, 21, 22 and 28 have been amended. Support for the claim amendments can be found at least at page 8, lines 19-27 and page 14, lines 17-24 (Example 1). In view of the following remarks, Applicant respectfully requests withdrawal of the rejections and an indication of allowable subject matter.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 1-9, 17, 19, 21, 25 and 28-29

Claims 1-9, 17, 19, 21, 25 and 28-29 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tayloe *et al.* (U.S. Pat. No. 6,192,240 B1) in view of Smith (U.S. Pat. No. 6,721,571 B1) and further in view of Skidmore *et al.* (U.S. Pat. No. 6,442,507 B1). Applicant respectfully disagrees.

Applicant's independent claims 1, 21, 25 and 28 similarly recite, *inter alia*, a prediction point that is separated from an interruption point by a first predetermined time or distance interval.

At page 4 of the Office Action, the Office asserts that Smith teaches the claimed prediction points as the device temporarily stores/buffers the coordinates of current locations, and states the "prediction points", i.e., the current locations in Smith, are used to calculate a distance/time of the interruption points. However, the "current location" in Smith is in no way predetermined; to the contrary, it is the current location. As suggested by the Office, Smith uses a current location in combination with the known dead zone location and other factors to determine when to warn a user of an impending service interruption. The current location is a geographical location, it is not a predetermined distance and, is definitely, not a predetermined time, as recited in the claims.

Even assuming, *arguendo*, the disclosed current locations were the same as the claimed prediction points, the independent claims recite announcing at one of the stored plurality of predetermined prediction points before the connection is interrupted, that the connection to the one communication device will be interrupted. Under the Office's

explanation, the system of Smith would have to make the announcement at the current location, which it does not.

Finally, the Office at page 4 states “a more specific description of how or where the stored data is kept is required.” This seems to be an admission that Smith does not adequately support the Office’s assertion. The citation to column 1, lines 28-40 merely explains that dead zones happen at certain locations and for certain reasons. The citation to column 3, lines 37-63 is an explanation of how a coordinate system can be established with respect to a base station being located at the origin (0,0) and that the coordinates of the dead zone may be stored. This is not a teaching of a predetermined prediction point as defined in Applicant’s independent claims.

Neither Tayloe or Skidmore make up for the above deficiencies of Smith. Tayloe, Smith and Skidmore, either individually or in combination, do not disclose or suggest all of the features recited in Applicant’s independent claims 1, 21, 25 and 28. Applicant respectfully submits that, for at least these reasons, claims 1-9, 17, 19, 21, 25 and 28-29 are allowable.

Claims 10-16, 18, 20, 22-24 and 30-32

Claims 10-16, 18, 20, 22-24 and 30-32 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tayloe in view of Smith and Skidmore and further in view of Amin *et al.* (US 005995830A). These claims depend respectively from independent claims 1, 21, 25, and 28.

Amin is cited for its disclosure of providing a reason for the interruption of a communication. Amin does not overcome the deficiencies of Tayloe, Smith and Skidmore as discussed above with respect to independent claims 1, 21, 25 and 28. Accordingly, Applicant respectfully submits that dependent claims 10-16, 18, 20, 22-24 and 30-32 are allowable for at least the same reasons as discussed above.

Claims 33 and 34

Claims 33 and 34 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tayloe in view of Smith and Skidmore and further in view of Ashby *et al.* (US 006047280A). Claims 33 and 34 depend from claim 1, and thus are allowable for

at least the same reasons discussed above, since Ashby does not overcome the deficiencies of Tayloe, Smith and Skidmore as discussed above.

The Office cites Ashby as disclosing that the claimed prediction points are set by a manufacturer as recited in Applicant's claim 33. The Office's citation to column 2, lines 24-29 merely discloses that navigation systems can provide enhanced navigation features such as helping commuters avoid construction or real-time traffic reporting. But these are not predetermined times or distances set by the manufacturer, but real-time situations. As for the other citation to column 3, lines 20-26, this is a statement of an object of the invention and without more explanation by the Office does not disclose or suggest the claimed prediction points.

As for claim 34, the Office cites the same column and line number as for claim 33. However, the citations do not discuss a user programming the prediction points defined in the independent claims.

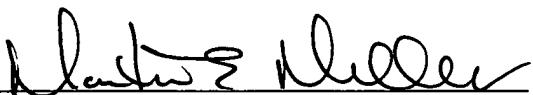
For at least these additional reasons, Applicant respectfully submits that claims 33 and 34 are allowable. Tayloe, Smith, Skidmore, and Ashby, either individually or in combination, do not disclose or suggest all of the features in claims 33 and 34.

Conclusion

Applicant respectfully submits that all of the outstanding rejections have been addressed. Accordingly, Applicant requests withdrawal of the rejections, and an indication of allowable subject matter. The Examiner is invited to contact the undersigned at (202) 220-4254 to discuss any matter concerning this application.

Applicant does not believe that any additional fees are required in connection with this submission. Nonetheless, Applicant authorizes payment of any additional fees under 37 C.F.R. § 1.16 or § 1.17 or credit of any overpayment to Deposit Account No. 11-0600.

Respectfully submitted,


Martin E. Miller
Registration No. 56,022

Dated: April 22, 2008

KENYON & KENYON LLP
1500 K Street, N.W. - Suite 700
Washington, DC 20005
Tel: (202) 220-4200
Fax: (202) 220-4201
706271